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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,731	01/16/2004	Christopher J. Bond	11669.136USU1	6901
23552 7590 06/01/2009 MERCHANT & GOULD PC P.O. BOX 2903 MINNEAPOLIS, MN 55402-0903				
EXAMINER				
GROSS, CHRISTOPHER M				
ART UNIT		PAPER NUMBER		
1639				
MAIL DATE		DELIVERY MODE		
06/01/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ADVISORY ACTION

Continuation of 3

In accordance with MPEP 803.02, should applicant overcome a rejection by amending a claim, the search concerning amended claims will need to be expanded to the extent necessary to determine patentability. Said search expansion constitutes an additional consideration and/or search. See MPEP 714.13. Here, the proposed amendment filed 5/18/2009, in claim 105, limiting the N-terminal portion to 1-4 amino acids, the C terminal portion to 1-6 amino acids; the central portion to 1-20 amino acids - at least - has narrowed the scope of the claims and therein requires further search and consideration; accordingly the proposed amendment does not materially reduce or simplify the issues for appeal either. Furthermore, there is no reason why the proposed amendments were not presented earlier in prosecution. See 37 CFR 1.116 (b)(3).

In light of the fact that the proposed amendments, filed 5/18/2009, after final rejection will not be entered, Applicant's arguments filed 5/18/2009 (see p 20-30) are rendered moot.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER M. GROSS whose telephone number is (571)272-4446. The examiner can normally be reached on M-F 9:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low can be reached on 571 272 0951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1639

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Christopher M Gross
Examiner
Art Unit 1639

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/ Christopher S. F. Low /
Supervisory Patent Examiner, Art Unit 1639